

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CONNECTU LLC,

Plaintiffs,

v.

MARK ZUCKERBERG, EDUARDO SAVERIN,
DUSTIN MOSKOVITZ, ANDREW MCCOLLUM,
CHRISTOPHER HUGHES, and THEFACEBOOK,
INC.,

Defendants.

MARK ZUCKERBERG, and THEFACEBOOK,
INC.,

Counterclaimants,

v.

CONNECTU LLC,

Counterdefendant,

and

CAMERON WINKLEVOSS, TYLER
WINKLEVOSS, and DIVYA NARENDRA,

Additional Counterdefendants.

CIVIL ACTION NO. 1:04-CV-11923
(DPW)

**OMNIBUS DECLARATION OF MONTE M.F. COOPER IN SUPPORT OF
FACEBOOK'S OPPOSITION TO PLAINTIFF'S MOTION FOR LEAVE TO FILE
SUPPLEMENTAL BRIEF IN OPPOSITION TO MOTION TO DISMISS, PRESENTING
NEW EVIDENCE AND SUPPLEMENTAL AUTHORITY IN VIEW OF PRAMCO AND
FACEBOOK DEFENDANTS' MOTION TO STRIKE PLAINTIFF'S SUPPLEMENTAL
DECLARATIONS OF DIVYA NARENDRA, TYLER AND CAMERON WINKLEVOSS
IN SUPPORT OF PLAINTIFF'S SUPPLEMENTAL BRIEF**

I, Monte M. F. Cooper declare as follows:

1. I am an attorney with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel for Defendants Mark Zuckerberg, Dustin Moskovitz, Andrew McCollum, Christopher Hughes, and TheFacebook, Inc. (collectively, the “Facebook Defendants”). I make this Declaration in support of Facebook’s Opposition to Plaintiff’s Motion for Leave to File Supplemental Brief in Opposition to Motion to Dismiss, Presenting New Evidence and Supplemental Authority in View of *Pramco* and the Facebook Defendants’ Motion to Strike Plaintiff’s Supplemental Declarations of Divya Narendra, Tyler and Cameron Winklevoss in support of Plaintiff’s Supplemental Brief. I am an active member in good standing of the California State Bar, and I am admitted to appear *pro hac vice* before this court. I have personal knowledge of the facts stated therein and if called as a witness, could and would competently testify thereto.

2. Attached hereto as **Exhibit A** is a true and correct copy of pages 1-2, 6, 103-105 and 287 from the June 16, 2006 deposition transcript of Divya Narendra. **[FILED UNDER SEAL WITH THE CLERK OF THE COURT]**

3. Attached hereto as **Exhibit B** is a true and correct copy of the Amended Response of Defendant Divya Narendra to Plaintiff’s First Set of Special Interrogatories (1-23), served on March 9, 2006 in connection with *TheFacebook, Inc. v. ConnectU LLC et al* Case No. 1-05-CV-047381, Superior Court of the State of California, County of Santa Clara.

4. Attached hereto as **Exhibit C** is a true and correct copy of the Amended Response of Defendant Cameron Winklevoss to Plaintiff’s First Set of Special Interrogatories (1-23), served on March 9, 2006 in connection with *TheFacebook, Inc. v. ConnectU LLC et al* Case No. 1-05-CV-047381, Superior Court of the State of California, County of Santa Clara.

5. Attached hereto as **Exhibit D** is a true and correct copy of the Amended Response of Defendant Tyler Winklevoss to Plaintiff's First Set of Special Interrogatories (1-23), served on March 9, 2006 in connection with *TheFacebook, Inc. v. ConnectU LLC et al* Case No. 1-05-CV-047381, Superior Court of the State of California, County of Santa Clara.

6. Attached hereto as **Exhibit E** is a true and correct copy of the Amended Response of Defendant Howard Winklevoss to Plaintiff's First Set of Special Interrogatories (1-23), served on March 9, 2006 in connection with *TheFacebook, Inc. v. ConnectU LLC et al* Case No. 1-05-CV-047381, Superior Court of the State of California, County of Santa Clara.

7. Attached hereto as **Exhibit F** is a true and correct copy of the Second Amended Response of Defendant ConnectU LLC to Plaintiff's First Set of Special Interrogatories (1-23), served on March 9, 2006 in connection with *TheFacebook, Inc. v. ConnectU LLC et al* Case No. 1-05-CV-047381, Superior Court of the State of California, County of Santa Clara.

8. Attached hereto as **Exhibit G** is a true and correct copy of Plaintiff and Counterclaim Defendants' Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a), served on April 7, 2005.

9. Attached hereto as **Exhibit H** is a true and correct copy of ConnectU LLC's 2004 U.S. Return of Partnership Income, Bates range C011458-65. **[FILED UNDER SEAL WITH THE CLERK OF THE COURT]**

10. Attached hereto as **Exhibit I** is a true and correct copy of the Westchester County Board of Elections Certification of Registration dated June 19, 2006, Bates range TFB007660-62.

11. Attached hereto as **Exhibit J** is a true and correct copy of the correspondence from the City of Cambridge, Board of Election Commissioners re Mark E. Zuckerberg, dated

June 19, 2006, Bates range TFB007663-66.

12. Attached hereto as **Exhibit K** is a true and correct copy of correspondence from the County of Santa Clara, Registrar of Voters, dated June 16, 2006, Bates range TFB007667-68.

13. Attached hereto as **Exhibit L** is a true and correct copy of correspondence from Warren Slocum, Chief Elections Officer & Assessor-County Clerk-Recorder, dated June 15, 2006, Bates range TFB007669.

14. Attached hereto as **Exhibit M** is a true and correct copy of the Notice of Rule 30(b)(6) Deposition of ConnectU LLC, served on June 2, 2006.

15. Attached hereto as **Exhibit N** is a true and correct copy of an e-mail from Monte Cooper to John Hornick and Margaret Esquenet, dated June 2, 2006.

16. Attached hereto as **Exhibit O** is a true and correct copy a letter from Hopkins Guy to John Hornick attaching the Notice of Deposition of Tyler Winklevoss and Notice of Deposition of Cameron Winklevoss, dated and served, June 13, 2006.

17. Attached hereto as **Exhibit P** is a true and correct copy of an e-mail from Margaret Esquenet to Hopkins Guy, dated June 14, 2006.

18. Attached hereto as **Exhibit Q** is a true and correct copy of a letter from Meredith H. Schoenfeld to Hopkins Guy, dated June 15, 2006.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct. This Declaration is executed on this 20th day of June, 2006, at Menlo Park, California.

/s/ Monte M.F. Cooper /s/
Monte M.F. Cooper

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on June 20, 2006.

Dated: June 20, 2006.

Respectfully submitted,

/s/ Monte M. F. Cooper /s/

Monte M. F. Cooper

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